

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

LANA EISENHAUER,

Plaintiff,

V.

DOLLAR GENERAL  
CORPORATION,

Defendant.

4:13CV3181

# MEMORANDUM AND ORDER

This matter is before the court on the findings and recommendation filed by Magistrate Judge Zwart on January 3, 2014 ([filing 17](#)). Judge Zwart recommends that the plaintiff's motion for remand ([filing 9](#)) be granted because the defendant has failed to prove by a preponderance of the evidence that the amount in controversy exceeds \$75,000.

No objections have been filed to the findings and recommendation within the time permitted by [28 U.S.C. § 636\(b\)\(1\)](#). In any event, I have conducted a de novo review and find that Judge Zwart has correctly found the facts and applied the law. Her findings and recommendation therefore will be adopted, and the case remanded to state court.

IT IS ORDERED:

1. The magistrate judge's findings and recommendation ([filing 17](#)) are adopted.
2. The plaintiff's motion for remand ([filing 9](#)) is granted, and this case is remanded to state court, pursuant to [28 U.S.C. § 1447\(c\)](#), for lack of subject matter jurisdiction.

3. The clerk of the court shall mail a certified copy of this order to the District Court of Cuming County, Nebraska, and may take any other action necessary to effectuate the remand.
4. Final judgment will be entered by separate document.

DATED this 4<sup>th</sup> day of February, 2014.

BY THE COURT:

*Richard G. Kopf*

Senior United States District Judge